IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR
O R D E R

S.B. Civil Second Appeal No.153 Of 2006.

Raghupati @ Sutta & Ors
Versus
Urban Improvement Trust, Bharatpur

Date Of Order ::: 07.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Govind Upadhaya, on behalf of
Mr. Ashvin Gargn, Counsel for plaintiff-appellants.

By the Court :

Heard learned counsel for the plaintiff-appellants.

The plaintiff-appellants filed a suit for permanent injunction, which was dismissed by the Lower Court. However, the Lower court directed that the plaintiff shall not be dispossessed without giving him an opportunity of hearing from the disputed property. Being aggrieved with the same, an appeal was preferred by the plaintiffs. The defendant also filed cross-

objections to set aside the order of the Lower Court, whereby it was directed that the plaintiff-appellant shall not be dispossessed from the disputed property without giving him an opportunity of hearing. Learned First Appellate Court dismissed the appeal of the plaintiffs and allowed the cross objections of the defendant and while confirming the finding of the Lower Court on merits, set aside the order of the Lower Court, whereby it was directed that the plaintiff shall not be dispossessed from the disputed property without giving him an opportunity of hearing.

I have considered the submissions of learned counsel for the plaintiff-appellants as well as the findings of both the Courts below and I find that the questions involved in the present case are relating to the question of facts and there is a concurrent finding of fact by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed in limine.

(Narendra Kumar Jain) J.